THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 8449 of 2000

DATE: 21-09-2007

Between :

K.Sriramachandra Murthy and 2 others.

… Petitioners

And

The District Collector,
West Godavari District
Kakinada and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 8449 of 2000

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents 1 to 3 in attempting to demolish the house property of the petitioners situated at Gandhamvaripalem, Uppalaguptham Mandal, West Godavari District, is arbitrary and illegal.

This Court, while directing Rule Nisi, by order dated 09-05-2000, ordered that the petitioners' houses shall not be demolished without following due process of law.

In the counter affidavit filed by the Collector, East Godavari District, it is stated that since the petitioners were found to be encroachers, a notice was served under Section 7 of Andhra Pradesh Land Encroachment Act, 1905 and no action has been taken to demolish the structures as alleged by the petitioners.

Nothing could be placed before this Court by the petitioners to show that any order as such has been passed by the respondents to remove the structures in question.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question and not to demolish the structures thereon without following due process of law.

The petitioners are granted liberty to submit their explanation, if any, within a period of four weeks from the date of receipt of this order, in which event, the same shall be considered by the respondents and appropriate orders be passed in accordance with law. No costs.

G. ROHINI, J

Date:21-09-2007
KLP